

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-11 and 14-15 are in the application. Claims 1, 7, 10, 11 and 15 have been amended. No new matter has been added.

The Examiner rejected claims 1-11 and 14-15 under 35 USC §103(a) as being anticipated by Artisa et al. in view of Suzuki et al. Claims 1-11 and 14-15 are also rejected as being unpatentable over Suzuki et al. in view of Mayer Davis and International Diabetes Foundation. Applicants respectfully traverse.

Applicants have amended claims 1, 10, 11 and 15 to claim that the food has a medium or high glycemic index. Support for this amendment can be found in the specification on page 12, second paragraph of the specification. Specific definitions of the terms "high" and "medium" are given in the specification in the paragraph bridging pages 8 and 9 of the specification.

The Examiner correctly states that Artisa discloses composition and method that relate to fat containing consumable

food and that Artisa does not teach reducing the glycemic index of food. The Examiner states that Suzuki discloses that alpha CD and compositions with alpha CD as major component have specific biological effects. One of these effects is the body weight gain suppression and body weight reduction and suppression of blood triglyceride concentration. The Examiner further states that Suzuki discloses that alpha CD has an inhibitory effect on body weight gain and is administered at 12 to 25 g/kg body weight for the total Cyclodextrin or at 6-13 g/kg body weight for the alpha CD. From these disclosures, the Examiner concludes that it is apparent that alpha CD inherently reduces the glycemic index of food comprising alpha CD.

Applicant disagrees. Suzuki does not mention the GI of food at all. Suzuki just mentions the reduction of body weight by uptake of alpha CD. Because one skilled in the art is aware that alpha CD has a low calorie content, it is not at all astonishing that a food which is an alpha CD or a composition with alpha CD as major component leads to a reduction in body weight. In short, Suzuki teaches to lower the uptake of calories by eating much of the low caloric alpha CD. It is common knowledge that a lowered caloric uptake results in a loss of body weight.

On page 5 of the office action, the Examiner cites the

teaching of Mayer-Davis that lifestyle changes can improve glucose tolerance in individuals at high risk for developing type 2 diabetes, and that a reduced fat diet may result in improvements in the glycemic status after 5 years.

On page 5 of the office Action, the Examiner further cites the finding of the International Diabetes Federation that weight loss can reduce insulin resistance.

After these paragraphs, the Examiner concludes that it would have been obvious to one of ordinary skill on the art to modify food having a glycemic index (GI) by reducing the GI of the food comprising alpha CD and administering the same to an individual with impaired glucose tolerance, because Artisa teaches reduction of fat by using alpha CD. None of the references teaches to add alpha CD to a food to lower the GI. As Artisa teaches the reduction of fat and, does not mention the GI at all, Artisa is not relevant for GI reduction.

Suzuki discloses that a meal consisting of the low caloric alpha CD or a composition with the low caloric alpha CD as major component results in a loss of body weight. Suzuki does not mention the reduction of the glucose concentration. Mayer Davis teaches that lifestyle changes can improve glucose

tolerance in individuals at high risk for developing type 2 diabetes. This has nothing to do with the addition of alpha CD to food. Mayer Davis further teaches that a reduced fat diet may result in improvements in the glycemic status after 5 years. This has nothing in common with the finding of the present invention that after the uptake of food having a medium or high GI, an immediate significant lowering of the blood glucose level is found if the food comprises a defined amount of alpha CD. An effect that "may be found after 5 years" can not make obvious an effect that is found within 1 to 2 hours after a meal (see figures 1 and 2 of the present application). The present invention relates to the lowering of the glycemic index of food. The glycemic index correlates to the starch content of the food because the starch content of the food leads to an increase of the glucose content in blood. As stated on page 2, last paragraph of the application, the glycemic index (GI) is a measure of the blood glucose rising property of food. It is determined by analyzing the blood glucose levels in regular intervals for a 2-3 hour period after intake of the test food and a reference food which, by convention, is either white bread or glucose. Any teaching related to reduction of the absorption of fat has nothing to do with the present invention. In addition, the teaching that after 5 years something may happen if the lifestyle is changed, does not teach how to reach a lowered

glucose concentration in blood after hours.

Accordingly, a skilled artisan would not have been motivated to do combine the above-cited references to try to obtain the presently claimed invention. The present claims claim a method to lower the GI of food by addition of alpha CD, such food and a process for the production of such food. None of the references alone or in combination discloses any such subject matter.

For further clarification of the differences between the present invention and the "5 years-effects" according to the state of the art, enclosed is are tables 1-4, showing the values for the 4 curves shown in Fig. 1 and 2 of the application. Only the highlighted mean SD Values are shown in the Figures. These values show the positive results of the method according to the present invention only for one example of food (white bread). With other kinds of food, the increase of the blood glucose level as well as the increase of the blood insulin level would be different. Increase of blood glucose level or of blood insulin level after uptake of food is diminished if alpha CD is added to the food.

The values for the GI as shown in Fig. 1 are the mean SD values of blood glucose concentrations from the 12 persons

mentioned in Example 1 in the specification.

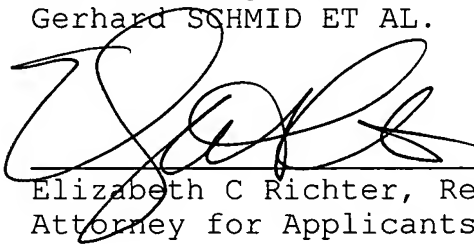
The enclosed Tables 1 and 2 show the results for the 12 persons as well as the mean SD Values shown in Fig. 1 (Blood glucose concentrations).

The values for the GI as shown in Fig. 2 are the mean SD values of blood insulin concentrations from the 12 persons mentioned in example 1. The enclosed tables 3 and 4 show the results for the 12 persons as well as the means SD Values shown in Fig. 2 (Blood insulin concentrations).

These results show the increase in blood insulin concentrations is reduced in people consuming food treated with alpha CD as compared to untreated food. The cited references do not teach or suggest a food including alpha CD or the results obtained.

Accordingly, Applicants submit that claims 1-11 and 14-15 are patentable over the cited references, taken either singly or in combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,
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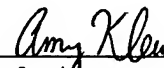
Enclosures: Tables 1-4

RCE Transmittal and check in the amount of \$810.00
Copy of Petition for one-month Extension of Time

EXPRESS MAIL NO. EM 184 377 255 US

Date of Deposit: December 20, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Amy Klein